



08-25-04
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,985	04/21/2004	Christopher D. Armour	RS0210Y

R. Douglas Bradley
Merck & Co., Inc.
P.O. Box 2000
Patent Department RY60-30
Rahway, NJ 07065-0907



CONFIRMATION NO. 7621

FORMALITIES LETTER



OC000000013036435

Date Mailed: 06/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/26/2004 BABRAHA1 00000037 502287 10828985

01 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

B-H

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Armour, Christopher D. et al.
Serial No.:	US 10/828,985
Case No.:	RS0210Y
Filed:	April 21, 2004
For:	Novel Isoforms of Centromere Protein E (CENPE)
	Art Unit: 1632
	Examiner: To Be Assigned

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Seattle, Washington 98109

23 August 2004

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, mailed June 23, 2004, enclosed herewith are:

- 1) An oath in compliance with 37 CFR 1.63 and Fee Transmittal Sheet;
- 2) A substitute Computer Readable Form of the Replacement Sequence Listing;
- 3) A paper copy of the Replacement Sequence Listing that is an identical copy of the Replacement Sequence Listing on the Computer Readable Form;
- 4) An Amendment directing entry of the Replacement Sequence Listing into the specification; and
- 5) A copy of the Notice to File Missing Parts of Nonprovisional Application that was mailed to Applicants on June 23, 2004.

The substitute Computer Readable Form is a Diskette with the Sequence Listing described as follows:

Diskette:

Machine Format: IBM-PC/XP
Operating System: MS-Windows XP Professional
File Name: RS0210Y.TXT
File Format: ASCII
Size: 100,616 bytes
Creation Date: 13 August 2004.

I hereby state that the sequence listing information recorded in computer readable form is identical to the paper copy of the sequence listing submitted herewith and does not include new matter.

Please charge deposit account number 502287 for any fees due in connection with this Response to Notice to Comply. If any time extensions are needed for the timely filing of the present response, applicants petition for such extensions and authorize the charging of deposit account number 502287 for the appropriate fees.

EXPRESS MAIL CERTIFICATE
Date of Deposit: August 23, 2004
Express Mail No.: ER 212732309 US
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail "Post Office to Addressee" on the above date in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450.
Mailed by: <u>Eileen Spur</u>
Date: August 23, 2004

Respectfully,



By: R. Douglas Bradley
Attorney for Applicant(s)
Reg. No. 44,553
Rosetta Inpharmatics LLC
401 Terry Avenue North
Seattle, Washington 98109
206-802-6301

FEE TRANSMITTAL

AUG 23 2004

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$130

Complete if Known

Application Number	10/828,985
Filing Date	April 21, 2004
First Named Inventor	Christopher D. Armour
Examiner Name	
Art Unit	1632
Attorney Docket Number	RS0210Y

METHOD OF PAYMENT (Check all that apply)

Check Credit Card Other None

Deposit Account:

Deposit Account Number

502287

Deposit Account Name

The Director is authorized to:

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) during the pendency of this application

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	
SUBTOTAL(1)			\$0

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra	Fee from below	Fee Paid
		20	** = 0	x \$18 = 0
		3	** = 0	x \$86 = 0
Multiple Dependent Claims			\$290 =	

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent
SUBTOTAL(2)		

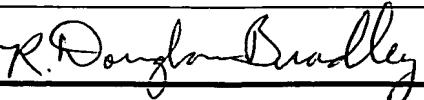
FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	130
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL(3)			\$130

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	R. Douglas Bradley			Reg. Number	44,553
Signature		Date	08/23/2004	Deposit Account User ID	

IN DUPLICATE